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BellSouth Telecommunications, Inc
333 Commerce Street
Suite 2101
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

Guy M Hicks
General Counsel

615 214 6301
Fax 615 214 7406

TRA DOCKET ROOM
April 13, 2005

VIA HAND DELIVERY

Hon Pat Miller, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re *Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc and NuVox Communications, Inc.*
Docket No. 04-00133

Dear Chairman Miller

Enclosed are fifteen copies of the *Supplemental Affidavit of Jerry Hendrix* on behalf of BellSouth. The original *Affidavit* will be provided to the Authority upon receipt. Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M Hicks

GMH ch

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee**

In Re *Enforcement of Interconnection Agreement between BellSouth
Telecommunications, Inc and NuVox Communications, Inc*

Docket No. 04-00133

**SUPPLEMENTAL AFFIDAVIT OF JERRY HENDRIX
ON BEHALF OF BELL SOUTH TELECOMMUNICATIONS, INC.**

Comes the affiant, Jerry Hendrix, and being duly sworn, deposes and says

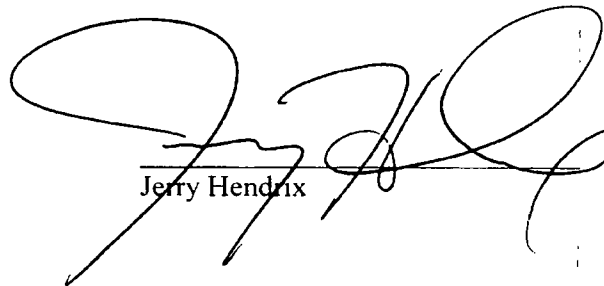
- 1 My name is Jerry Hendrix. I previously filed an affidavit in this matter on March 2,
2005. The numbered paragraphs of that affidavit are incorporated herein by reference.
- 2 An audit of 44 of NuVox's Georgia EELs ("Georgia Audit") was performed recently,
pursuant to a Georgia Public Service Commission Order Adopting in Part and Modifying
in Part the Hearing Officer's Recommended Order on July 6, 2004. BellSouth employed
the independent audit firm, KPMG, LLP to undertake the Georgia Audit. I understand
that KPMG concluded its collection of information and documentation for this audit three
weeks ago, and is waiting for NuVox to provide a management performance report,
which I understand to be an affirmation by NuVox that it provided KPMG with all
relevant materials in NuVox's possession. I further understand that, to date, despite
repeated requests from KPMG, NuVox has refused to provide KPMG with the requested
information.
- 3 While KPMG's report, thus, has not been finalized for release, "high-level" results of the
audit were provided to BellSouth in a readout session with KPMG. Based on those high-
level discussions, BellSouth anticipates that the Georgia Audit will confirm substantial
non-compliance (and possible outright misrepresentation) regarding the circuits
inspected, as well as an inadequate control and recordkeeping structure established and/or

maintained by NuVox in support of the certifications that were made to justify the circuit conversions

- 4 I further understand from KPMG that NuVox's control and recordkeeping structure is centralized, that is, the structure is not unique from state-to-state
- 5 Based on the high-level audit results from Georgia, it appears that NuVox has a poor compliance record relating to converted circuits. Under the circumstances, BellSouth is now faced with substantial and growing losses from the continued delay in its ability to audit NuVox's Tennessee converted circuits. For example, if NuVox's converted Tennessee EELs were audited and all were found non-compliant, the difference between the special access (SPA) rates that should have been paid, in that event, and the lower EEL rates that have been paid, would be approximately \$4.45 million (as of year-end 2004). Even if only half of NuVox's EELs in Tennessee were found to be non-compliant, NuVox would owe BellSouth more than \$2.2 million.
- 6 Additionally, there is a strong indication that NuVox's current records are incomplete and insufficient to establish compliance for converted circuits on a going forward basis. BellSouth, thus, stands to lose additional money and customers for as long as NuVox continues to improperly purchase new and existing EELs.

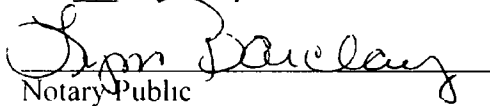
7 BellSouth has made the decision to hire KPMG, LLP to conduct the audit of NuVox's
EELs in Tennessee

8 This concludes my statement.



Jerry Hendrix

Subscribe to and Sworn to before me
this 13th day of April, 2005



Notary Public

580823

Lyna E. ...
Notary Public, State of Tennessee
My Commission Expires 04/15/2008

CERTIFICATE OF SERVICE

I hereby certify that on April 13, 2005, a copy of the foregoing document was served on the following, via the method indicated

- ☐ Hand
- ☒ Mail
- ☐ Facsimile
- ☐ Overnight

Hamilton E. Russell, III
NuVox Communications, Inc.
301 North Main St, Suite 500
Greenville, SC 29601

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

John J. Heitmann, Esquire
Kelley Drye & Warren, LLP
1200 19th Street, N.W., Suite 500
Washington, DC 20036
jheitmann@kelleydrye.com

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

H LaDon Baltimore, Esquire
Farrar & Bates
211 Seventh Ave N, # 320
Nashville, TN 37219-1823
don.baltimore@farrar-bates.com

A handwritten signature in black ink, appearing to be "H LaDon Baltimore", written over a horizontal line.